

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED *For C'ville*  
MAY 25 2011  
BY: JULIA C. DUDLEY, CLERK  
DEPUTY CLERK *J. Dudley*

UNITED STATES OF AMERICA )

Criminal Action No. 3:08-cr-00042-1

v. )

§ 2255 ORDER

TONY LLOYD JOHNSTON )

By: Hon. Norman K. Moon  
United States District Judge

In accordance with the written memorandum opinion entered this day, it is

**ORDERED and ADJUDGED**

that the United States' motion to dismiss is **GRANTED**; Johnston's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, is hereby **DISMISSED**; and this action is **STRICKEN** from the active docket of the court.

Further finding that Johnston has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a Certificate of Appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to Johnston and counsel of record for the United States.

ENTER: This 25<sup>th</sup> day of May, 2011.

*Norman K. Moon*  
United States District Judge